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OFFICE OF PETITIONS

In re Application of

Wedeking, et al.

Application No. 09/752,867

Filed: December 30, 2000

Attorney Docket No. RA-70 DIV-II

DECISION ON PETITION

This is a decision on the "Renewed Petition to Withdraw Holding of Abandonment or Revive Application for Unintentional Abandonment Based on failure to Receive Notice of Allowance." The petition will be treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181(a).

The petition is **granted**.

This application was held abandoned on June 20, 2003, after no reply was received to the Notice of Allowance and Issue Fee Due that required payment of the issue fee and publication fee. The notice set a three-month statutory period for reply. No response was received within the allowed period and the application became abandoned on June 20, 2003. A Notice of Abandonment was mailed on July 23, 2003.

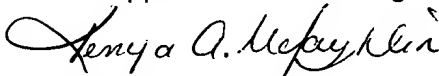
In the instant renewed petition, petitioner argues that the Notice of Allowance and Issue Fee Due was not received at the offices of the attorney of record during the relevant period—March 19, 2003 through June 19, 2003. The law firm of record during the relevant period was Clark &

Elbing, LLP, 1010 Federal Street, Boston, Massachusetts 02110. A statement offered by Karen Elbing, Ph.D attests that the notice was not received and that the docket records and file jacket were checked to no avail. The petition was accompanied by a docket record that corroborates Ms. Elbing's statement.

Based on the aforementioned facts, it is concluded that the holding of abandonment was improperly imposed. The holding of abandonment is, therefore, withdrawn and the Notice of Abandonment vacated as of the mailing date of this decision.

The fee for the petition to revive will be refunded, in due course.

The application file is being forwarded to Technology Center 1600 for further processing.



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions